



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/513,998

02/23/2000

Richard J. Helferich

19504-028

6034

6449

7590

08/03/2004

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

TRINH, TAN H

ART UNIT

PAPER NUMBER

2684

18

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,998

Applicant(s)

HELPERICH, RICHARD J.

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-58 and 63-68 is/are allowed.
- 6) ☐ Claim(s) 59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 15.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 2-13-2004 has been received and placed of record in the file.

Allowable Subject Matter

2. Claims 23-58 and 63-68 are allowed.

Reasons for allowance

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 23-58 and 63-68, the prior art of record fail to disclose or render obvious the claimed invention for the reasons as stated in applicant's response filed on 5-7-2004 as terminal disclaimer of (U.S. Patent No.6,097,941), pages 1-2 (paper # 17).

Regarding claims 23-33, 35-40, 43, 46, 49-55, and 63-68, the prior art of record fail to teach or suggest, a radio transceiver to communicate by means of a radio frequency link with at least one remote storage device adapted to store a first plurality of messages, memory capacity coupled to said transceiver and adapted to store a second plurality of messages, a processor coupled to said transceiver and said memory capacity, said processor adapted to control operation of said transceiver and said memory capacity; and an interface coupled to said processor, said interface adapted to be manipulated by said user and adapted to provide signals to said processor for causing said processor to access messages in said memory capacity and in said at least one remote storage device, wherein said interface is further adapted to control a process that plays said messages stored in said memory capacity upon actuation of said

Art Unit: 2684

interface by said user, and is further adapted to control a process that automatically plays said messages stored in said at least one remote device whether or not said transceiver is on-line with said at least one remote device, and said process that plays said messages stored in said at least one remote device automatically accesses and plays said messages when said transceiver is on-line with said at least one remote device, and when not on-line, automatically initiates a session by means of said radio frequency link with said at least one remote device in order to access and play said messages stored on said at least one remote device.

In addition, the prior art of record fail to teach or suggest, interface adapted to be manipulated by said user and adapted to provide signals to said processor for causing said processor to access messages in said memory capacity and in said at least one remote storage device, wherein said interface is further adapted to control a process that allows response to said messages stored in said memory capacity upon actuation of said interface by said user, and said interface automatically allows the response to occur when said radio transceiver is on-line, and when said transceiver is not on-line, initiates a communications session with said at least one storage device to cause said response to occur. And interface is further adapted to control a process that saves said messages in said at least one remote device whether or not said transceiver is on-line with said at least one remote device. And sensing actuation of said interface by said user, and responsive to said actuation, accessing at least one voice mail message stored in said memory capacity and automatically accessing at least one voice mail message stored in said at least one remote voice mail storage device, wherein said step of automatically accessing at least one voice mail message stored in said at least one remote devices comprises the steps of automatically

Art Unit: 2684

accessing said at least one message when said user device is on-line with said at least one remote device and otherwise automatically initiating a communications session with said at least one remote device and as part of that session accessing said at least one message. the steps of automatically accessing said messages when said user device is on-line with said at least one remote device, and when not, automatically initiating a communications session with said at least one remote device and as part of that session accessing said messages.

In addition, the prior art of record fail to teach or suggest, the reading from the memory information pertaining to a message selected by the user; receiving from the user an input specifying a function to be performed on said selected message; analyzing said information pertaining to said selected message to determine whether said function can be performed without communicating with the remote device; and performing said function to be performed on said selected message if it is determined that said function can be performed without communicating with the remote device, and if it is determined that said function cannot be performed without communicating with the remote device, then performing the steps of: determining whether the transceiver is currently communicating with the remote device; automatically establishing a connection with the remote device if it is determined that the transceiver is not currently communicating with the remote device; and transmitting information to the remote device so that the remote device can perform said function on said selected message.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 59 and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Clise (U.S. Patent No. 5,797,091).

Regarding claims 59 and 61, Clise teaches a method for accessing information from a user device that contains an interface for accessing and managing the information (see figs. 1-2 and 4, col. 11, lines 16-lines 19 and col. 12, lines 1-7), comprising the steps of: sensing user input to the interface (see col. 10, lines 52-56); and in response to the user input (see col. 12, lines 1-5), accessing information stored in the user device and automatically accessing 'formation stored in a remote system (see col. 12, lines 5-7).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2684

7. Claims 60 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clise (U.S. Patent No. 5,797,091) in view of Oki (U.S. pub. No. 20020032658) further in view of Sato (U.S. patent No. 6,567,179).

Regarding claims 60 and 62, Clise fails to teach the steps of automatically accessing the information stored in the remote system when the user device is on-line with the remote system, and when the user device is not on-line with the remote system, automatically initiating a communications session with the remote system and, as part of that session, accessing the information stored in the remote system.

However, Oki teaches the steps of automatically accessing the information stored in the remote system when the user device is on-line with the remote system (see page 1, sessions [0008 and 0011] and page 2, session [0020]). But Oki fails to show the user device is not on-line with the remote system, automatically initiating a communications session with the remote system and, as part of that session, accessing the information stored in the remote system.

However, Sato teaches the macro effective area memory means stores the area in which a registered offline, macro is effective after the execution of an offline macro, the automatic online transition section and functioning as the automatic online transition and requests the communication control block to perform online transition when the online transition flag is on than the transition to the online state is thus carried out the information stored in the remote (see col. 18, lines 16-25 and lines 53-59. That is Obvious to the user device is not on-line (off-line) with the remote system and than automatically initiating online a communications session).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Clise system and by the providing of the teaching of Oki on the

Art Unit: 2684

online access and automatically initiating online taught by Sato. Thereto in order to have the steps of automatically accessing the information stored in the remote system when the user device is on-line with the remote system (see Oki, page 2, session [0020]).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Coad (U.S. Patent No. 5,966,652) discloses system and method for the insertion and extraction of telephone number from a wireless text message.

Peterson (U.S. Patent No. 5, 857, 020) discloses timed availability of secured content provisional on a storage medium.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

Art Unit: 2684

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Art Unit 2684
July 15, 2004


NICK CORSARO
PATENT EXAMINER